

Senator Stephanie Pitcher proposes the following substitute bill:

SAFE LEAVE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses paid leave for certain state employees.

Highlighted Provisions:

This bill:

- ▶ establishes safe leave as a form of paid leave available to certain state employees;
- ▶ subject to certain requirements, requires certain state employers to allow an employee described above to use up to one week of paid safe leave per calendar year for a reason related to:
 - the employee having been the victim of domestic violence, sexual assault, stalking, or human trafficking; or
 - the employee's immediate family member having been the victim of an incident described above;
- ▶ requires an employee to use all accrued annual, compensatory, and excess leave before using safe leave;
- ▶ prohibits a state employer from:
 - taking retaliatory action against an employee for using safe leave; or
 - compensating an employee for unused safe leave upon the employee's termination of employment;



26 ▶ subject to an exception, requires a state employee to give a state employer at least
27 seven days notice before using safe leave;

28 ▶ provides that unused safe leave does not accrue annually; and

29 ▶ requires the Department of Human Resource Management to adopt rules to
30 administer safe leave.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 ENACTS:

37 **63A-17-511.5**, Utah Code Annotated 1953

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **63A-17-511.5** is enacted to read:

41 **63A-17-511.5. Safe leave.**

42 (1) As used in this section:

43 (a) "Child" means an individual younger than 18 years old.

44 (b) "Immediate family" means a qualified employee's:

45 (i) parent, spouse, child, or sibling; or

46 (ii) an individual that the qualified employee claims as a dependent for state or federal
47 income tax purposes.

48 (c) "Qualified employee" means an employee of a state employer who:

49 (i) is in a position that receives retirement benefits under Title 49, Utah State

50 Retirement and Insurance Benefit Act;

51 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

52 (iii) is not reemployed as defined in Section **49-11-1202**; and

53 (iv) (A) is the victim of domestic violence, sexual assault, stalking, or human
54 trafficking; or

55 (B) has an immediate family member who is the victim of an incident described in
56 Subsection (1)(c)(iv)(A).

(d) "Retaliatory action" means the same as that term is defined in Section [63A-17-511](#).

(e) "Safe leave" means paid leave hours that a state employer provides to a qualified employee for a reason described in Subsection (2)(a).

(f) (i) "State employer" means:

(A) a state executive branch agency, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole;

(B) the legislative branch of the state; or

(C) the judicial branch of the state.

(ii) "State employer" does not include:

(A) an institution of higher education;

(B) the Utah Board of Higher Education;

(C) the State Board of Education;

(D) an independent entity as defined in Section [63E-1-102](#);

(E) the attorney general's office;

(F) the state auditor's office; or

(G) the state treasurer's office.

(2) (a) Subject to Subsection (3), a state employer shall allow a qualified employee to use up to one week of safe leave per calendar year for a reason related to, or arising out of, an incident described in Subsection (1)(c)(iv)(A) or (B), including:

(i) to obtain services from a domestic violence shelter, rape crisis center, or similar shelter or service program;

(ii) to temporarily or permanently relocate;

(iii) to file a complaint or report with law enforcement;

(iv) to enroll a child in a new school;

(v) to meet with a district or county attorney's office;

(vi) to attend or participate in a court hearing;

(vii) to obtain psychological or emotional counseling;

(viii) to receive medical treatment; or

(ix) to take another action that is necessary to maintain, improve, or restore the physical, psychological, emotional, or economic health or safety of the qualified employee or the qualified employee's immediate family member.

(b) A state employer shall allow a qualified employee to use the amount of safe leave available to the qualified employee on a pro rata basis, as adopted by rule by the division under Subsection (12), if the qualified employee:

(i) is a part-time employee; or

(ii) works in excess of a 40-hour work week or the equivalent of a 40-hour work week.

(3) A state employer may not grant a qualified employee safe leave under Subsection (2) unless the qualified employee has first exhausted all of the qualified employee's available accrued annual, compensatory, and excess leave balances.

(4) The amount of safe leave authorized under Subsection (2):

(a) may be used intermittently;

(b) may not be used more than two years after the date of an incident described in Subsection (1)(c)(iv)(A) or (B), unless the qualified employee's use of safe leave is for a reason related to, or arising out of, the criminal prosecution of an individual alleged to be the perpetrator of an incident described in Subsection (1)(c)(iv)(A) or (B);

(c) runs concurrently with leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.;

(d) does not increase if the qualified employee or the qualified employee's immediate family member is the victim of more than one of the incidents described in Subsection (1)(c)(iv)(A) or (B); and

(e) does not accrue annually.

(5) (a) Except as provided in Subsection (5)(b), a qualified employee shall give a state employer notice at least seven days before the day on which the qualified eligible employee plans to:

(i) begin using safe leave; and

(ii) stop using safe leave.

(b) If circumstances beyond a qualified employee's control prevent the qualified employee from giving the state employer notice in accordance with Subsection (5)(a), the qualified employee shall give the state employer each notice described in Subsection (5)(a) as soon as reasonably practicable.

(6) Except as provided in Subsection (4)(c), a state employer may not charge safe leave against sick, annual, compensatory, excess, or another leave to which a qualified employee is

entitled.

(7) A state employer may not compensate a qualified employee for any unused safe leave upon the qualified employee's termination of employment.

(8) (a) After the expiration of a qualified employee's safe leave, the state employer shall ensure that the qualified employee may return to:

(i) the position that the qualified employee held before using safe leave; or

(ii) a position within the state employer that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using safe leave.

(b) If, during the time that a qualified employee uses safe leave, the state employer experiences a reduction in force and, as part of the reduction in force, the qualified employee would have been separated from employment if the qualified employee was not using safe leave, the state employer may separate the qualified employee in accordance with any applicable process or procedure as if the qualified employee was not using safe leave.

(9) During the time a qualified employee uses safe leave, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before using safe leave, if the qualified employee pays any required employee contribution.

(10) A state employer may not:

(a) interfere with or otherwise restrain a qualified employee from using safe leave; or

(b) take retaliatory action against a qualified employee for using safe leave.

(11) A state employer shall provide each qualified employee written information regarding the qualified employee's right to use safe leave in accordance with this section.

(12) On or before January 1, 2025, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:

(a) the use and administration of safe leave under this section; and

(b) a schedule that provides safe leave for a qualified employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis.

Section 2. Effective date.

This bill takes effect on January 1, 2025.